

Kansas Department of Health and Environment
Bureau of Waste Management Policy 07-01

Related to

**Permitting Requirements for
Wood Waste Processing Facilities**

effective May 4, 2007
revised August 2, 2007

Purpose

This policy clarifies when a permit is required for facilities that process wood waste.

Background

Wood waste in Kansas is generated from many natural and commercial sources. Tree and brush waste is generated from normal maintenance of trees and shrubs, land clearing and development, natural disasters, and weather events such as high winds and ice storms. Tree and brush waste is a relatively clean material that can be managed with minimal oversight. Other wood wastes are generated from the construction and demolition of structures, the manufacturing of pallets, the manufacturing of wood products from engineered lumber (particle board, MDF, plywood, etc.), and mobile home and trailer manufacturing.

The Kansas Department of Health and Environment (KDHE) Bureau of Waste Management has determined that certain facilities that manage non-tree and brush wood waste, particularly those receiving wood waste from off-site sources, need solid waste processing facility permits. The applicable state laws that apply to this determination and the rationale for determining the need for a permit follow.

Applicable Statutes

K.S.A. 65-3402(a) states:

“Solid waste” means garbage, refuse, waste tires as defined by K.S.A. 65-3424, and amendments thereto, and other discarded materials, including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

K.S.A. 65-3402(c) states:

“Solid waste processing facility” means, composting facility, household hazardous waste facility, waste-to-energy facility, transfer station, reclamation facility or any other location where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. This term does not include a scrap material recycling and processing facility.

Types of Wood Waste Processing Facilities and Rationale for Permit Requirements

Currently there are three types of wood waste facilities in Kansas. The first only accepts trees and brush; the second handles only wood waste generated in their manufacturing process; and

the third accepts wood waste from multiple sources. Each type of facility has its own unique characteristics, which affect both the need to be permitted and KDHE's approach to assessing compliance with applicable laws and regulations.

Tree & Brush Sites

Tree and brush processing facilities in Kansas have traditionally either ground or burned the wood waste that is brought on site. The burning of trees and brush is allowed on a site-specific basis as an exemption to the air quality statutes and regulations. The Bureau of Waste Management has not separately regulated these facilities as solid waste processing facilities because the burning of the wood waste is approved and monitored by the KDHE Bureau of Air and Radiation. Also, in many cases, the approved burn sites are located at permitted solid waste facilities, such as landfills and transfer stations. Other tree and brush piles have been accumulated at public and private facilities that process the wood waste into mulch, which is considered a product and not a waste.

KDHE does not intend to modify the current regulatory approach for traditional tree and brush management activities. However, some tree and brush piles may grow very large, be ignored for extended periods of time by the responsible party or landowner, and/or constitute a nuisance or fire hazard due to factors such as the proximity to structures, residences, or even other combustible materials. When problems or high risks due to the accumulation of brush piles are identified, KDHE may determine that such accumulations constitute illegal disposal or storage of a solid waste. Such accumulations will be considered for enforcement action, including orders to remove the tree and brush waste to a permitted facility and fines.

Manufacturers (Including Re-manufacturers) That Process Their Own Wood Waste

Pallet manufacturers, cabinet manufacturers, trailer manufacturers, and other businesses that routinely generate wood waste sometimes process their own wood waste on-site. KDHE has determined that facilities that process their own wood waste to make mulch are continuing the manufacturing process to make another marketable product from the raw material they receive. Thus, permits would generally not be required for such wood waste processing operations. These businesses generally keep the waste wood and mulch pile small to prevent nuisance conditions and fire hazards and the wood waste streams are usually very consistent in nature.

However, some of these manufacturers may allow the operation to become large and wood waste may be managed in a manner that presents nuisances or fire hazards to neighboring properties. Such facilities will be evaluated on a case-by-case basis and KDHE may require them to modify their operations and/or apply for a solid waste processing facility permit.

Facilities That Accept Wood Waste From Off-Site

Any facility that accepts wood waste from off-site sources has the potential to generate large volumes in a short period. Commercially received wood waste may be from construction and demolition activities, manufacturing, storm clean-up, or other sources. The wood waste typically received at these facilities consists of kiln-dried dimension lumber, green lumber, treated lumber, plywood, MDF, and particleboard. Some facilities have accumulated large piles of diverse waste materials, including non-wood waste that cannot be recycled.

Except for treated lumber that may contain heavy metals introduced in the treatment process, the wood waste piles accumulated at these facilities are not expected to cause environmental impacts. If treated lumber is received, it should be screened out and sent to an appropriate construction & demolition landfill or to a municipal solid waste landfill.

The characteristics of these wood waste processing facilities present operational concerns, potential risks to human health and safety and the environment, and possible taxpayer liabilities which justify the need to obtain a solid waste processing facility permit. These characteristics include:

- the large volume of material potentially received;
- the diversity of waste types received;
- the potential for some received waste to be screened out for disposal at another facility; and
- the possibility that the facility owner may abandon a site and leave the clean-up responsibility to the state or local government.

Conclusions and Action

1. Facilities that handle only trees and brush are not required to obtain a solid waste processing facility permit.
2. Facilities that handle only their own manufacturing wood waste are not required to obtain a solid waste processing facility permit, unless the waste is being handled in a manner that creates a nuisance or presents a risk to human health or safety or the environment.
3. Facilities that handle wood wastes from off-site are required to obtain a solid waste processing facility permit in accordance with the provisions of K.S.A. 65-3402 and 65-3407.
4. To encourage businesses to implement wood waste recycling activities, it shall be the policy of the Bureau of Waste Management, which administers the solid waste permitting program, to notify potential applicants that a variance to the permit application fee set forth in regulations may be requested. Such notice shall occur verbally and on the application form for wood waste processing facilities. The department will consider such requests to reduce the fee to facilitate the economic feasibility of project implementation. In accordance with K.A.R. 28-29-2, applicants will be required to demonstrate to the department that the current specified fee would significantly affect the ability of the company to pursue the proposed program. For businesses which are already performing wood waste recycling activities, the demonstration should explain the adverse impact which would be experienced if the \$2,000 permit fee is not reduced.

With an adequate demonstration supporting the request for a variance, the department will allow the initial permit application and renewal fee to be \$250. This is the same fee paid for private composting facilities. This reduced amount does not cover KDHE's cost of processing and issuing the application; however, it is considered appropriate in order to encourage the development of projects related to waste reduction and recycling.

5. KDHE will provide notification to off-site wood-waste processors that permit applications must be completed and submitted within 6 months of being notified. Within three months after the notification, each processor should request from the county zoning authority and/or the county commission the certifications required by K.S.A. 6503407(m). Financial assurance will be required to cover the costs of site clean-up, including third-party disposal costs for the largest amount of waste expected to be stored on the facility property at any one time. Applicants are encouraged to reduce the size of existing piles before permit issuance and commit to KDHE in applications that piles will be maintained below a certain size prior to the anticipated date of permit issuance.



William L. Bider
Director, Bureau of Waste Management

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